MT LEGISLATIVE HISTORY

Chapter 189 1975

Bill H _____ S 88 Original bill & hist. ___C

H. Committee on Labor & Employment Relations S. Committee on Labor & Employment Relations

Hearing Date(s)		Hearing Date(s)	
Mar 12	✓C	Jan 22	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Mar 12	✓C	Jan 22	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

BILL NO. 88

INTRODUCED BY Senate Committee (By Request of Workmen's Compensation Division)

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 92-706.1, R.C.M. 1947, OF THE WORKMEN'S COMPENSATION ACT, BY REMOVING REFERENCES TO TIME LIMITATIONS ON MEDICAL BENEFITS SO THAT THE MONTANA MEDICAL BENEFIT PROVISION UNDER THE WORKMEN'S COMPENSATION ACT COMPLIES FULLY WITH THE REPORT OF THE NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 92-706.1, R.C.M. 1947, is amended to read as follows:

"92-706.1. Medical and hospital services approved by the division are furnished. (1) In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

(a) ~~During the first thirty-six (36) months after~~ After the happening of the injury, the employer or insurer shall furnish, without limitation as to length of time or dollar amount, reasonable services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment as may be approved by the division for the injuries sustained. ~~The division, upon application of the injured workman may, for good cause, grant reasonable extensions of the benefits provided in this section.~~

(2) All hospitals must submit to the division of workmen's compensation, a schedule of fees and charges for treatment of injured workmen to be in effect for at least a twelve (12) month period unless the division and the hospital agree to interim amendments of the schedule. The schedule must be submitted at least thirty (30) days prior to its effective date and shall not exceed the charges prevailing in the hospital for similar treatment of private patients."

-End-

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 22, 1975

The fourth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lee on the above date in room 402 of the State Capitol Building at 9:30 a.m.

ROLL CALL: Six members were present with Senator Etchart and Senator Playlock excused.

CONSIDERATION OF SENATE BILL NO. 88: Senator Hazelbaker appeared before the committee to introduce this bill. The purpose of this bill is to grant lifetime benefits to injured employees. The present form of the law requires that the injured employee must make application for extension of benefits after 36 months. This will not have any impact on the rates.

Norman Grosfiled, of the Divison of Workmen's Compensation, appeared before the committee in support of this bill. Mr. Grosfield agreed with Senator Hazelbaker that the purpose of SB 88 is to grant lifetime benefits to injured employees, without having to make application for extension after 36 months. This bill was introduced to meet the National Commission on State Workmen's Compensation recommendations.

George Wood, Executive Secretary of the Montana Self-Insurers Association, and Jim Murry, Executive Secretary of the AFL-CIO, were unable to appear and wish to go on record as being in support of this bill.

CONSIDERATION OF SENATE BILL NO. 99: Senator Lee appeared before the committee to introduce this bill. The purpose of this bill is to change the salary base for coverage of sole proprietors and partners from $500 to $900. The $500 salary base was to low and $900 was more realistic.

Norman Grosfield, of the Divison of Workmen's Compensation, appeared before the committee to support this bill. He stated that the Legislative Auditor set up this figure. Sole proprietors and partners may elect to cover themselves but do not have to. This $900 works out to $10,800 a year, which is in line with maximum benefits.

George Wood, and Jim Murry were unable to appear and wish to go on record as being in support of this bill.

Committee discussion was then held.

CONSIDERATION OF SENATE BILL NO. 107: Senator Smith appeared before the committee to introduce this bill. This is another of the package of bills reviewed by the National Commission of State Workmen's Compensation This bill simply changes the age for full time students beneficiaries from 22 years to 25 years. This bill will meet the requirements of the Federal Government on the full time student recommendations.

Norman Grosfield, of the Division of Workmen's Compensation, appeared before the committee to support this bill. This would allow students to go on and get thier Masters Degree, although most students usually go for thier Bachelors Degree only.

George Wood, and Jim Murry were unable to appear and wish to go on record as being in support of SB 107.

CONSIDERATION OF SENATE BILL NO. 114: Senator Mehrens appeared before the committee to introduce this bill. This bill allows the Division to order an insurer to pay biweekly allowances to a person who has made a claim. This biweekly compensation would be paid prior to the hearing. Under the pres_ t law a person cannot get any money from the insurers until the claim is heard.

Norman Grosfield, of the Divsion of Workmen's Compensation appeared before the committee in support of this bill. At the present time the Workmen's Compensation Division cannot order an insurer to pay compensation until after the hearing.

George Wood, and Jim Murry were unable to appear and wish to go on record as being in support of this bill.

Discussion was then held by the committee.

CONSIDERATION OF SENATE BILL NO. 119: Senator Norman appeared before the committee to introduce this bill. This bill is concerned with certain requirements regarding the posting of Sheriff's Notices under Plan 3. The law now requires the sheriff to post a notice in three places on the premises of the employers workplace stating that the division has cancelled their right to operate under plan 3. Now this can be done by a phone call, or at a meeting then the employer gives the notification. This will save needless expense.

Norman Grosfield, of the Division of Workmen's Compensation appeared before the committee in support of this bill. Agreed that this was a waste of time and that this would save expenses for paying the sheriff for time and travel.

Geroge Wood, and Jim Murry were unable to appear and wish to go on record as being in support of this bill.

DISPOSTION OF SENATE BILLS 88, 99, 107, 114, 119: Senator Hazelba moved that the package of bills 88, 99, 107, 114, & 119 DO PASS. Motic carried unanimously with Senator Etchart and Senator Blaylock excused.

ADJOURN:

There being no further business, the meeting was adjourned at 10:00 a.m.

Robert E. Lee, Chairman

MEMORANDUM

THE PROPOSED BILL AMENDING SECTION 92-706.1, R.C.M.1947, OF THE WORKMEN'S COMPENSATION ACT RELATING TO MEDICAL BENEFITS

The Governor's Workmen's Compensation Advisory Council is recommending that the section granting medical benefits for injured employees be amended in accordance with the report of the National Commission on State Workmen's Compensation Laws. The National Commission was an advisory group that thoroughly reviewed the workmen's compensation system in all fifty states. It was instructed to report to the President of the United States its findings and recommendations regarding improvements to the system. The Commission set forth nineteen essential recommendations including suggestions for improving medical benefit provisions.

Present Montana law relating to medical benefits in essence meets the Commission's recommendations. The benefit provision grants lifetime medical benefits for injured employees although the statute requires an injured worker to make an application to the Division for an extension of benefits after 36 months from the date of the injury. The injured worker is thus given the burden of showing that an extension of medical benefits is required. Under the proposed changes, the benefits would be automatic and an injured employee would not be required to request an extension of benefits.

The federal government has not recognized Montana's medical benefits as being life time because of the language in the present section requiring an injured employee to make application for an extension of benefits after 36 months. If the proposed bill is passed, Montana will meet one more of the Commission's 19 essential recommendations and will receive federal recognition regarding its medical payment program.

The changes set forth in the proposed bill should have no effect on medical benefit outlay and, thus, the employers premium rates will not be affected. This is because Montana, as a practical matter, has lifetime medical benefits and the proposed changes would merely change the procedure for payment of such benefits.

There being no further testimony, the committee went into executive discussion.

SB 88--FREDERICO MOVED SB 88 BE CONCURRED IN, SECONDED BY MAGONE. MOTION CARRIED UNANIMOUSLY.

SB 312--FREDERICO MOVED SB 312 BE CONCURRED IN, SECONDED BY McFADDEN.

HANSINGER MOVED A SUBSTITUTE MOTION THAT THEY DEFER ACTION PE THE OUTCOME OF HB 223. SECONDED BY BABCOCK. MOTION CARRIED UNANIMOUSLY.

SB 398--MAGONE MOVED SB 398 BE CONCURRED IN, SECONDED BY KELLY. MOTIC CARRIED WITH TRAVIS ABSTAINING AND ALL OTHER MEMBERS IN FAVOR.

There being no further business, the meeting was adjourned to reconve March 13, 1975 at 10:30 a.m.

GARY M. KIMBLE, Chairman

Gloria Wong, Secretary

NAME Norman H Grossfield Bill No. 585

ADDRESS _____ Date _____

WHOM DO YOU REPRESENT? Division of Workmens Comp

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Exhibit I
3-13-75

SB 88

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SENATE BILL NO. 88

INTRODUCED BY HAZELBAKER

(BY REQUEST OF WORKMEN'S COMPENSATION DIVISION)

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-End-